

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

MIALLAND

Atty. Ref.: 622-91; Confirmation No. 5633

Appl. No. 10/563,912

TC/A.U. Unassigned

Filed: January 10, 2006

Examiner: Unassigned

For: PHARMACEUTICAL COMPOSITIONS COMPRISING ASCORBIC ACID FOR THE  
TREATMENT OF FUNGAL SUPERINFECTIONS AND FUNGAL RECURRENCES

\* \* \* \* \*

May 16, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**IDENTIFICATION OF PRACTITIONERS TO BE RECOGNIZED**

Of the Patent Practitioners identified in the concurrently filed Power of Attorney,  
please recognize the following listed Patent Practitioners as being of record in the  
above-identified application/patent.

**Listing of Practitioners of Record (No more than 10)**

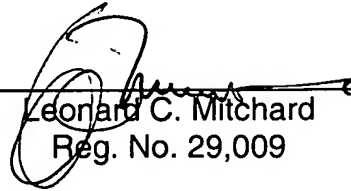
Larry S. Nixon	Reg. No. 25,640
Arthur R. Crawford	Reg. No. 25,327
Robert W. Faris	Reg. No. 31,352
Mark E. Nusbaum	Reg. No. 32,348
Michael J. Keenan	Reg. No. 32, 106
Jeffry H. Nelson	Reg. No. 30,481
John R. Lastova	Reg. No. 33,149
H. Warren Burnam, Jr.	Reg. No. 29,366
Michael J. Shea	Reg. No. 34,725
Leonard C. Mitchard	Reg. No. 29,009

MIALLAND  
Appl. No. 10/563,912  
May 26, 2006

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Leonard C. Mitchard  
Reg. No. 29,009

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901 North Glebe Road, 11th Floor  
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**RULE 63 (37 C.F.R. 1.63)**  
**INVENTORS DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PHARMACEUTICAL COMPOSITIONS COMPRISING ASCORBIC ACID FOR THE TREATMENT OF FUNGAL SUPERINFECTIONS AND FUNGAL RECURRENCES**

the specification of which (check applicable box(es)):

☐ is attached hereto

☒ was filed on **January 10, 2006** as U.S. Application Serial No. **10/563,912** (Atty. Dkt. No. - )

☒ was filed as PCT International application No. **PCT/EP2004/005559** on **21 May 2004**

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

**Application Number**  
**03077314.7**

**Country**  
**EP**

**Day/Month/Year Filed**  
**22 JULY 2003**

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

**Application Number**

**Date/Month/Year Filed**

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

Prior U.S./PCT Application(s):

**Application Serial No.**  
**PCT/EP2004/005559**

**Day/Month/Year Filed**  
**21 May 2004**

**Status: patented**  
**pending, abandoned**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint Nixon & Vanderhye P.C., telephone number 703-816-

4000 (to whom all communications are to be directed) and the attorneys of: **Customer Number 23117**, individually and collectively owner's/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent. I also authorize Nixon & Vanderhye to add or delete attorneys from that Customer Number, and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

- Inventor's Signature: *Federico Mailland* Date: 2nd December 2005  
Inventor: Federico Mailland  
(first) (last)  
Residence: (city) Milano, Italy (state/country) Italy (citizenship)  
Mailing Address: Via San Marco 24, Milano, Italy  
(Zip Code) 20121
- Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Inventor: \_\_\_\_\_  
(first) (last) (citizenship)  
Residence: (city) \_\_\_\_\_ (state/country) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Zip Code) \_\_\_\_\_

**[ ] See attached sheet(s) for additional inventor(s) information!!**

Applicant or Patentee \_\_\_\_\_  
Serial or Patent No.: \_\_\_\_\_  
Filed or Issued: \_\_\_\_\_  
For: \_\_\_\_\_

Attorney's  
Dkt. No.: \_\_\_\_\_

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☒ the owner of the small business concern identified below  
☐ An official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN POLICHEM SA

ADDRESS OF CONCERN 50 Val Fleuri, Luxembourg - Luxembourg

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(dc) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled Pharmaceutical compositions comprising ascorbic acid for the treatment of fungal:..... by inventor(s) Federico MAILLAND described in:

- ☐ the specification filed herewith  
☒ application serial no. 10/563,912, filed January 10, 2006  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT  
ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Dott. CALOGERO VIOLA

TITLE OF PERSON OTHER THAN OWNER ATTORNEY (Legal Representative)

ADDRESS OF PERSON SIGNING 50 Val Fleuri, Luxembourg - Luxembourg

SIGNATURE  DATE 2nd December 2005